

CLASSIFICATION OFFICE DECISION

Title of publication: The Official High Times Pot Smoker's Handbook

Other known title(s): Not stated

OFLC ref: 1300561.000

Medium: Book

Distributor: Not stated

Author: David Bienenstock
et al.

Publisher: Chronicle Books LLC

Country of origin: United States

Language: English

Applicant: Secretary for Internal Affairs

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: When the book is on public display, the classification given to the book must be shown by way of a label issued in accordance with a direction under s36(A)(2) and either affixed to the front cover, or displayed as a digital label.

Date of entry in Register: 22 October 2013

Date of direction to issue a label: 22 October 2013

Date of notice of decision: 21 October 2013

Summary of reasons for decision:

The book is a colourful illustrated publication on everything there is to know about Marijuana, put out by High Times magazine. It requires restriction to adults but is not objectionable. The central issue in classifying the book is whether it promotes or encourages criminal drug use and cultivation to such an extent and degree, and in such a manner, that its availability is likely to injure the public good.

The book contains some material designed to assist amateur cannabis growers and users.

However, the dominant effect that the book will have on its intended adult audience comes from the majority content that informs readers about the political, historical, and medical contexts of the current cannabis law reform debate, alongside other social and cultural matters. As a vehicle for the expression of political views in favour of cannabis law reform, the book has a legitimate purpose.

The book is clearly intended for adults but is likely to attract the interest of young persons. Adults must be presumed to know which behaviours the law criminalises and must take responsibility for the consequences of their actions. This presumption generally does not apply to persons under the age of 18 years, who are more impressionable and lack maturity of judgement to appreciate the legal context and the potential harms and consequences of marijuana use. The book is therefore likely to injure the public good if made available to people under the age of 18 years, who are more likely to be encouraged to experiment with criminal behaviour.

Section 14 of the New Zealand Bill of Rights Act (1990) requires that any classification should impinge on the freedom of expression no more than is necessary to make it unlikely that the publication's restricted availability would injure the public good. Given the considerations above, a ban is neither reasonable nor demonstrably justified. However, there is a likelihood of injury to the public good if the publication was to be made available to children and young persons. Restricting the availability of the publication to adults limits the rights of some New Zealanders to access reading material of their choice, but the restriction allows adults access to information and opinion that contributes to the ongoing debate over the legalisation of cannabis. In this instance, the limitation represents the minimum interference with the freedom of expression that is consistent with preventing injury to the public good.